

Benjamin Guidry
Reg. No. 02800-479
U.S. Penitentiary Tucson
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Tucson, AZ 85734
Pro Se

United States Courts
Southern District of Texas
FILED

MAR 23 2018

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

UNITED STATES OF AMERICA,)	No. 3:16-cr-00001 (GCH)
Plaintiff,)	
)	
v.)	<u>MOTION FOR COPY OF COURT</u>
)	<u>DOCUMENTS AND TO UNSEAL</u>
)	<u>DOCUMENTS IF NECESSARY</u>
BENJAMIN DOUGLAS GUIDRY,)	
Defendant.)	
)	

COMES NOW Defendant Benjamin Guidry and respectfully requests that the Court provide him with copies of all search warrants and supporting affidavits associated with the above-captioned matter. Specifically, Defendant requests a copy of the supporting affidavit and search warrant that was executed on May 12, 2015, at the Defendant's place of business, Financial Precision Group, located at 100 Perkins Avenue, Suite D1, League City, Texas, 77573. Defendant further requests a copy of any supporting affidavit and search warrant for Benjamin Guidry's iPhone 5s, serial number F17MW3T4FFDQ, which if it exists would have been issued between May and December of 2015. Lastly, Defendant requests a copy of the supporting affidavit and search warrant executed at his home on December 17, 2015, located at 401 Senna Avenue, League City, Texas, 77573.

In the event any of the above documents are currently sealed, Defendant respectfully requests that they be unsealed only to the extent necessary to provide him with a copy of the materials sought

so that he may effectively prepare and prosecute a motion for relief under 28 U.S.C. §2255. In support of these requests, Defendant states as follows:

1. I am preparing a motion to vacate, set aside or correct my sentence because I am factually innocent of conduct the government has alleged and because my guilty plea was defective due to ineffective assistance of counsel and due to severe mental illness at the time of the plea.
2. The requested documents are necessary to research and prepare my motion under 28 U.S.C. §2255. I believe the government exceeded the scope of the search warrants issued in my case, and that if my attorney had discovered this and apprised me of the situation, I would not have chosen to plead guilty.
3. To the extent any of the requested materials are sealed, I believe I have a constitutional right to receive copies of the documents because they were used against me in a criminal proceedings which I now seek to challenge. Since I have no right to appointed counsel at public expense in collateral proceedings, and because I do not have enough money to hire an attorney, I must review these materials myself in order to prepare my motion for relief.
4. To the extent the requested materials disclose information about a minor victim in this case, the victim and her personal information are already known to me because she is the daughter of my former common-law wife. I consent to have her name, her exact date of birth and her social security number redacted from any documents sent to me. I will also comply with

all Court rules concerning redaction of minor victims' identifying information from documents submitted to the Court.

5. I have attempted to obtain the requested documents from PACER, but was told that warrants and supporting affidavits are not available from this source and must be requested from the Court.
6. I currently have no income nor any assets besides some money my family sends me to buy necessities at the prison commissary. Together with this motion I am submitting a Motion to Proceed In Forma Pauperis that further documents my financial situation.

WHEREFORE Defendant respectfully requests that the Court mail him copies of the requested warrant documents.

I, Benjamin Guidry, swear under penalty of perjury that the foregoing information is true and correct. Done this fifth day of March, 2018, in Tucson, Arizona.

Signed: _____

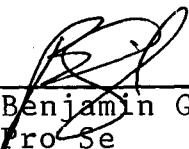

Benjamin Guidry
Pro Se

CERTIFICATE OF SERVICE

I, Benjamin Guidry, certify that on March Eighth, 2018, I served a copy of the foregoing Motion for Copy of Court Documents and to Unseal If Necessary on the Plaintiff by submitting it to prison officials for mailing, first-class postage prepaid, addressed as follows: ⇨02800-479⇨

Charles J Escher
Assistant US Attorney
1000 Louisiana ST
Suite 2300
Houston, TX 77002
United States

Dated: March 8, 2018

Signed: 

Benjamin Guidry
Pro Se